

**SELECTMEN'S MEETING
UPSTAIRS MEETING ROOM
1 AVENUE A, TURNERS FALLS, MA
MONDAY, January 8, 2018**

Meeting was opened at 7:00 PM in the Upstairs Meeting Room. Present were Selectpersons Chris Boutwell, Michael Nelson, Rich Kuklewicz, Town Administrator Steven Ellis, and Executive Assistant Wendy Bogusz. Kuklewicz makes introduction and announces meeting is being taped.

Approve Selectmen minutes of December 18, 2017

Nelson makes the motion to approve the minutes of December 18, 2017. Boutwell seconded, unanimously approved. Nelson - Aye, Boutwell - Aye, Kuklewicz - Aye

Public Comment Period: Individuals will be limited to two (2) minutes each and the Board of Selectmen will strictly adhere to time allotted for public comment

Singleton asks about the press being able to wait inside Town Hall during Executive Sessions.

**Robert McDonald, WPCF Superintendent
FY18 First Half Sewer Abatement**

- *Nelson makes the motion to abate the property at 18 Central Street, Turners Falls to the amount of \$36.00. Boutwell seconded, unanimously approved. Nelson - Aye, Boutwell - Aye, Kuklewicz - Aye*
- *Nelson makes the motion to abate the property at 15 Fifth Street, Turners Falls to the amount of \$36.00. Boutwell seconded, unanimously approved. Nelson - Aye, Boutwell - Aye, Kuklewicz - Aye*
- *Nelson makes the motion to abate the property at 6 Norman Circle, Turners Falls for Fiscal Year 2018. Boutwell seconded, unanimously unapproved. Nelson - Nay, Boutwell - Nay, Kuklewicz - Nay*
- *Nelson makes the motion to abate the property at 83 K Street, Turners Falls to the amount of \$194.58. Boutwell seconded, unanimously approved. Nelson - Aye, Boutwell - Aye, Kuklewicz - Aye*
- *Nelson makes the motion to abate the property at 133 Turners Falls Road, Turners Falls for Fiscal Year 2018. Boutwell seconded, unanimously unapproved. Nelson - Nay, Boutwell - Nay, Kuklewicz - Nay*
- *Nelson makes the motion to abate the property at 404 Montague City Road, Turners Falls to the amount of \$289.80. Boutwell seconded, unanimously approved. Nelson - Aye, Boutwell - Aye, Kuklewicz - Aye*
- *Nelson makes the motion to abate the property at 19 Park Street, Turners Falls for Fiscal Year 2018. Boutwell seconded, unanimously unapproved. Nelson - Nay, Boutwell - Nay, Kuklewicz - Nay*

Updates on DEP disposition toward continuance of the Montague Process

McDonald reported that he, Ellis, and Kuklewicz met with Mass DEP on January 3 to discuss the letter from the DEP regarding having the Montague process delayed in order to have the overall effluent quality improve before continuing with the pilot test. The meeting was positive and cordial, and the DEP is still on board with Montague running a sludge reduction process.

Greg Newth

Request for support of a home rule petition for land tax rebate

Discussion:

- Ellis stated that a determination was made 14 years ago by the Planning Board that the subdivision of parcels resulted in a number of building lots. There was a communication to the Board of Assessors Office that a lot was a buildable residential lot. Last spring the lot was about to sell and it was determined by the Building Inspector's Office that it did not have sufficient frontage.
- Karen Tonelli: In 2003 the Planning Board approved a plan by Mr. Newth which created five new building lots. Five new primary lots were created and Mr. Newth was billed for five separate lots and built on all but two. This past spring the Building Inspector determined that the corner lot was not buildable. Since it was not legally permissible to build a house on the building lot, the Assessors reduced the value. Mr. Newth received an abatement for 2017, but anything prior to that, we have no authority to do. We explained the circumstances to the Department of Revenue and asked for permission for the Assessors to go back three years. They declined because in order to do that, the taxes should not have been paid.
- Kuklewicz asked if Newth can apply for a non-conforming use or variance. Newth responded that it would not be a permanent solution.
- According to Ramsey, the lot is in a mixed use district. Commercial usage does not have a minimum frontage requirement, but single family use has a 200-foot frontage requirement. Zoning doesn't allow for a house

**SELECTMEN'S MEETING
UPSTAIRS MEETING ROOM
1 AVENUE A, TURNERS FALLS, MA
MONDAY, January 8, 2018**

because water and sewer is not available. It would be a tough threshold to meet for a variance. The only path forward was for Newth to file for a special permit, which has time limitations.

- According to Newth, the rule about the corner lots is not in the general zoning laws. Ramsey suggested that one possibility is for Newth to direct the Planning Board to revisit the rule.

Nelson makes the motion to move forward with an abatement for Grew Newth, whose parcel is 44-0-81, for an abatement of no greater than \$12,000 to come from the Overlay Account through the vehicle of a home rule petition to be decided upon by Town Meeting. Boutwell seconded, unanimously approved. Nelson - Aye, Boutwell - Aye, Kuklewicz - Aye

Bruce Hunter, FCRHRA

Contract extension request to February 2, 2018 with Berkshire Design Group for Avenue A Phase III Streetscape Project

Nelson makes the motion to approve the request for a time extension to the Berkshire Design Group for the Avenue A Phase III Streetscape Project, moving it to February 2, 2018. Boutwell seconded, unanimously approved. Nelson - Aye, Boutwell - Aye, Kuklewicz - Aye

Ramsey reported that the Rutters Park design is being finalized.

Walter Ramsey, Town Planner

Consider Planning Board petition for a zoning bylaw amendment to regulate registered marijuana establishment

Nelson recuses himself from this portion of the meeting.

Ramsey shared that the Planning Board had a public hearing in November regarding a temporary moratorium. As a result of the public input, the Board decided to put a hold on that and come up with some draft regulations before the new marijuana regulations come into place. Two weeks ago the State Cannabis Control Commission issued draft regulations. The Planning Board went through them and is proposing regulating marijuana establishments by allowing them by special permit in certain commercial zoning districts.

Kuklewicz makes the motion to acknowledge the receipt of the zoning amendment and move it back to the Planning Board to prepare for the February Special Town Meeting. Boutwell seconded, approved. Kuklewicz - Aye, Boutwell - Aye, Nelson - Abstain

A public hearing is scheduled for Tuesday, January 23 at 7:00 PM in the Town Hall in which the Planning Board will discuss these bylaws.

American Battlefield Protection Program

Discussion:

- According to Ramsey, the current grant ends in August. We are in an archeological field work phase, which is winding up. A draft report should be available to the public in about a month or so.
- David Brule reported that the research team has located about 300 musket balls. Their methodology was to determine the retreat route of the white settlers, and they have turned up a lot of artifacts, but ran out of time and money. They are turning up a lot of information involving native tactics and the coordination of four to six tribes in the area.
- They are asking the National Park Service to fund another season of study.
- The research team has been meeting every month for the past four years.
- The Advisory Board have five historical commissioners and four tribes that send representatives to the meetings.
- Ramsey: This is one of those long-term projects that will pay off for generations to come. We're also going to be preparing the National Historic Register nomination.
- The grant request is for \$80,000 and the match would be about \$3,000 of administrative time for Ramsey over the course of two years.

**SELECTMEN'S MEETING
UPSTAIRS MEETING ROOM
1 AVENUE A, TURNERS FALLS, MA
MONDAY, January 8, 2018**

Nelson makes the motion to approve the 2018 Battlefield Grant that has been presented, and authorize the Chair to sign it and send it off for review. Boutwell seconded, unanimously approved. Nelson - Aye, Boutwell - Aye, Kuklewicz - Aye

Establishment of Economic Opportunity Area Designations for Turners Falls, Montague City, Millers Falls, Airport Industrial Park and Sandy Lane Industrial

Nelson makes the motion to authorize the Chair to sign the Economic Development Incentive Program, Economic Opportunity application that consists of five areas in the Town of Montague and to submit said document. Boutwell seconded, unanimously approved. Nelson - Aye, Boutwell - Aye, Kuklewicz - Aye

Personnel Board

Remove Sergeant Joshua Hoffman from 111F effective 12/24/17

Nelson makes the motion to remove Sergeant Joshua Hoffman from 111F effective 12/24/17. Boutwell seconded, unanimously approved. Nelson - Aye, Boutwell - Aye, Kuklewicz - Aye

Republic Services

Discussion regarding scheduled trash pick-up

- According to Higgins, the extreme cold has caused the fuel to jell and the hydraulic fluid to freeze up, which slows down the operation of the vehicles. The two holiday weeks are traditionally the heaviest weeks of the year, but because of the temperature, they could not fit as much volume of trash in the loads (almost 40%), which was a huge challenge.
- Some options discussed for the future include better communication between the drivers and the dispatcher; contacting Bergeron, Ellis, and Town Hall when a route is not completed; and sending messages through the website, newspaper, cable access channel, and central call center if there are problems.
- Bergeron spoke about seeing the drivers lingering at Cumberland Farms or Scotty's for long periods of time at 9:00 or 10:00 a.m. in the morning.
- Kuklewicz asked for a document outlining how the company will handle the issues going forward.

Tom Bergeron, Superintendent

Boutwell recuses himself from the discussion.

- **Execute 3rd Party Transfer Station Inspection Report and Corrective Action Form with DEP**

Nelson makes the motion to authorize the Chair to sign the 3rd Party Transfer Station Inspection Report and Corrective Action Form with DEP. Kuklewicz seconded, approved. Nelson - Aye, Kuklewicz - Aye, Boutwell - Abstain

- **Execute 3rd Party Closed Landfill Inspection Report with DEP**

Nelson makes the motion to authorize the Chair to sign the 3rd Party Closed Landfill Inspection Report with DEP. Kuklewicz seconded, approved. Nelson - Aye, Kuklewicz - Aye, Boutwell - Abstain

- **Execute MOU for the wood pellet bag recycling shed with FCSWMD**

Nelson makes the motion to authorize the Chair to sign the MOU with the Franklin County Solid Waste Management District regarding pellet bag recycling. Kuklewicz seconded, approved. Nelson - Aye, Kuklewicz - Aye, Boutwell - Abstain

Disclosure of Appearance of Conflict of Interest as required by G.L. c. 268a, § 23 (B)(3). Board of Appeals Members.

Kuklewicz acknowledges receipt of Disclosure of Appearance of Conflict of Interest as required by G.L. c. 268a, § 23 (B)(3) by William Doyle, Robert Sojka, and Allen Rippengill. Kuklewicz would like a copy of the documents given to Town Clerk, Debra Bourbeau and for her to forward the documents to the Ethics Communication.

Discussion and possible vote to ratify Town Administrator's decision to dismiss claims in litigation, Town v. Solutions Consultant Group, LLC

Nelson makes the motion to ratify the Town Administrator's decision to the claims in litigation of the Town v. Solutions Consultant Group, LLC. Boutwell seconded, unanimously approved. Nelson - Aye, Boutwell - Aye, Kuklewicz - Aye

**SELECTMEN'S MEETING
UPSTAIRS MEETING ROOM
1 AVENUE A, TURNERS FALLS, MA
MONDAY, January 8, 2018**

Town Administrator's Business

- **Delegate the Town Administrator to vote at Mass Municipal Association Meeting on January 20, 2018**
Nelson makes the motion to delegate the Town Administrator to vote at Mass Municipal Association Meeting on January 20, 2018 on behalf of the Board of Selectmen. Boutwell seconded, unanimously approved. Nelson - Aye, Boutwell - Aye, Kuklewicz - Aye
- **Delegate the Town Administrator to vote at the MIIA Annual Meeting on January 20, 2018**
Nelson makes the motion to delegate the Town Administrator to vote at the MIIA Annual Meeting on January 20, 2018. Boutwell seconded, unanimously approved. Nelson - Aye, Boutwell - Aye, Kuklewicz - Aye
- **Notice of Sale of 38 and 41 E. Main Street, Millers Falls**
Ellis reported that two properties in the center of Millers, 38 and 41 East Main Street, have been sold by Mr. Farrick to Bob Obare. Discussion ensued regarding the buildings still not being up to code and renovation work that is being done.
- **Execute ABCC 2018 Seasonal Population Increase Estimation Form**
Nelson makes the motion to send the Seasonal Population Increase Estimation Form to the ABCC indicating a population as of July 10, 2018 to be 8,437. Boutwell seconded, unanimously approved. Nelson - Aye, Boutwell - Aye, Kuklewicz - Aye
- **Topics not anticipated in the 48 hour posting requirements**
Nelson makes the motion to authorize the Chair to sign a letter to the Mass Cultural Council supporting the Shea Theater's application for funding. Boutwell seconded, unanimously approved. Nelson - Aye, Boutwell - Aye, Kuklewicz - Aye

Nelson makes the motion to adjourn the meeting at 8:58 PM. Boutwell seconded, unanimously approved. Nelson - Aye, Boutwell - Aye, Kuklewicz - Aye

Documents and Exhibits:

- FY18 First Half Sewer Abatement
- Updates on DEP disposition toward continuance of the Montague Process
- Request for support of a home rule petition for land tax rebate from Greg Newth
- Contract extension request to February 2, 2018 with Berkshire Design Group for Avenue A Phase III Streetscape Project
- Planning Board petition for a zoning bylaw amendment to regulate registered marijuana establishments
- American Battlefield Protection Program 2016 grant process updates and 2018 application for additional archeological fieldwork
- Establishment of Economic Opportunity Area Designations for Turners Falls, Montague City, Millers Falls, Airport Industrial Park and Sandy Lane Industrial Area
- Status Change form to Remove Sergeant Joshua Hoffman from 111F effective 12/24/17
- Execute 3rd Party Transfer Station Inspection Report and Corrective Action Form with DEP
- Execute 3rd Party Closed Landfill Inspection Report with DEP
- Execute MOU for the wood pellet bag recycling shed with FCSWMD
- Disclosure of Appearance of Conflict of Interest as required by G.L. c. 268A, § 23 (b)(3). Board of Appeals Members.
- Delegate the Town Administrator to vote at Mass Municipal Association Meeting on January 20, 2018
- Delegate the Town Administrator to vote at the MIIA Annual Meeting on January 20, 2018
- Notice of Sale of 38 – 41 E. Main Street, Millers Falls
- Execute ABCC 2018 Seasonal Population Increase Estimation Form